

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume the House message with respect to H.R. 3326, the Department of Defense Appropriations Act.

The time until 7:20 a.m. will be equally divided and controlled between the two leaders or their designees, with the final 10 minutes reserved for the two leaders, with the majority leader controlling the final 5 minutes. At approximately 7:20 a.m. the Senate will proceed to a series of votes with respect to the Defense appropriations bill.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 3326, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill.

Reid motion to concur in the amendment of the House to the amendment of the Senate with amendment No. 3248 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 3252 (to Reid amendment No. 3248), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 7:20 a.m. shall be equally divided and controlled between the two leaders or their designees, with the final 10 minutes reserved for the two leaders, and with the final 5 minutes controlled by the majority leader.

The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding the time until 7:10 is equally divided and controlled; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, I designate the majority whip, the Senator from Illinois, DICK DURBIN, to have control of that 10 minutes on our side.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time do we have on this side?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. ALEXANDER. Mr. President, please let me know when 1 minute remains.

Mr. President, we are here on this early Saturday morning, as we lead up to Christmas Day, to finish work on the Defense appropriations bill. But the country knows the focus of our attention, the reason we are here, is because of the health care debate. We are in our 20th consecutive day of considering health care, and we still do not have a final bill. In other words, we do not yet know what we are voting on, how much it costs, or how it affects the American people.

On October 6, 2009, eight Democratic Senators wrote the majority leader a letter which expressed the view also of all 40 Republican Senators, and it said what ought to be obvious: that when debating even a minor bill, but certainly a major bill of this magnitude, the "public's participation in this process"—so the letter went—"is critical to our overall success of creating a bill that lowers health care costs and offers access to quality and affordable health care for all Americans."

The letter from the eight Democratic Senators continues:

Every step of the process needs to be transparent, and information regarding the bill needs to be readily available to our constituents before the Senate starts to vote on legislation that will affect the lives of every American.

The letter continues:

The legislative text and complete budget scores from the Congressional Budget Office of the health care legislation considered on the Senate floor should be made available on a website the public can access for at least 72 hours prior to the first vote to proceed to the legislation. Likewise, the legislative text and complete CBO scores of the health care legislation as amended should be made available to the public for 72 hours prior to the vote on final passage of the bill in the Senate. Further, the legislative text of all amendments filed and offered for debate on the Senate floor should be posted on a public website prior to beginning debate on the amendment on the Senate floor. Lastly, upon a final agreement between the House of Representatives and the Senate, a formal conference report detailing the agreement and complete CBO scores of the agreement should be made available to the public for 72 hours prior to the vote on final passage of the conference report in the Senate.

Mr. President, that is wise advice from Senator LINCOLN, Senator BAYH, Senator LANDRIEU, Senator LIEBERMAN, Senator MCCASKILL, Senator NELSON, Senator PRYOR, and Senator WEBB. What they are saying is, before we vote on a health care bill that affects nearly every 1 of all 300 million Americans we ought to have 72 hours to read the bill and know what it costs. We know the current version, when fully implemented, will spend \$2.5 trillion, which the Chief Actuary of the government says insofar as we know it will increase the cost of health care rather than reduce it. We know that the version we have seen so far will take \$1 trillion out of Medicare when the bill is fully implemented and not use it to strengthen Medicare—which is becoming insolvent in the years 2015 to 2017, according to the trustees of Medicare—

but instead would spend that money on some other program. We know it would—as David Brooks in a New York Times column said yesterday—create a huge tax, \$1.42 trillion in the second decade of its operation to help pay for this, which the Director of the Congressional Budget Office has said would inevitably be passed along to consumers and cause premium costs to go up, not down. And we know it would expand Medicaid, the other large government program we already have for low-income Americans, sending a bill of \$25 billion to the States that has been roundly denounced by almost every Governor in the country, Democratic and Republican.

Because at a time when the States are struggling more than they have since the Great Depression with their own budgets, when they cannot print money, when they have to balance their budgets, we are expanding health care and sending them a huge bill to help pay for it. This inevitably will force States to raise taxes, raise college tuition; and, in my State, the Governor is considering releasing up to 4,000 nonviolent offenders from the prisons as a result of some of the budgetary pressures that are on him.

So that is what we do know about the bill. But we do not have the final version of the bill. Yet it is said we should vote on this by Christmas when, in fact, most of the provisions of the bill do not take effect until 2014. That is 4 years from now. Only a few provisions start right away. Mr. President, \$73 billion in taxes start right away. Medicare cuts start right away. Mandates start right away. A few benefits start right away.

But, basically, the thrust of this massive legislation that affects 17 percent of our economy does not take effect for 4 years. So if we do not have the bill, and if most of the legislation does not take effect for 4 more years, then why are we spending this time staying up all night, rushing to enact the bill by Christmas?

I believe it is because the majority knows the longer the public sees the bill, the more they know about it, the less they will like it, and they want to try to pass it before people know what is in it. Otherwise, we would already have the bill. Otherwise, we would be taking the time we took with the farm bill, with the Education bill, with the Energy bill, with other major legislation that takes 5, 6, 8, 10 weeks. Otherwise, we would have worked across party lines and had many different kinds of views. So this is a rush.

There has been a lot of talk about making history on health care. The problem is, there are different kinds of history. In this case, the Democratic majority seems to be determined to pursue a political kamikaze mission toward an historic mistake. If it succeeds, the results will be disastrous for the Democrats in 2010, I would predict. But, unfortunately, it will be a bigger disaster for our country.

Now, this will not be Congress's first historic mistake. The Smoot-Hawley tariff of 1930 "to buy American" sounded pretty good. It sounded like a good way to protect jobs by keeping foreign products out. But historians agree it was an historic mistake, setting off retaliatory waves, tariffs, and making the Great Depression worse.

The Alien and Sedition Acts of 1798 sounded good too. The idea was, let's protect the country from enemies within our midst, mostly French then. But that turned out to be an historic mistake encouraging more protests and offending our traditions of free speech.

In 1969, the Congress found 155 Americans who were not paying taxes and said: Let's have a millionaires tax. That sounded good too. It turned out to be another historic mistake. Last year, it caught 28 million Americans before we rushed to patch it, to fix it for a year.

More recently, there was the Catastrophic Coverage Act of 1988 to help seniors deal with financial losses. The trouble is, seniors resented paying for it, and angry crowds surrounded the chairman of the House Ways and Means Committee in his home district. Congress repealed that mistake, and the leader of those angry seniors is now a Congresswoman from Illinois.

Then there was the luxury tax on boats in 1991. That sounded good: We are going to get all those people who have boats that cost more than \$100,000. The trouble was, it raised about half the revenue projected, and it nearly sank the boat industry, putting 7,600 people out of work. A change in Congress repealed that one too. Rather than make history of this sort, Congress should learn from history. We should take Governor Schwarzenegger's advice this week.

He suggested:

So I would say, be very careful to the federal overnment before you go to bed with all this. Let's rethink it. There's no rush from one second to the next. Let's take another week or two and come up with the right package.

The Governor, of course, was concerned about the Medicaid expansion costs in his State—\$3 billion for California. He said:

[The] last thing we need is another \$3 billion of [state] spending when we already have a \$20 billion deficit.

So why the rush? We do not have the bill. We have plenty of time to deal with this. Most of it does not take effect for 4 more years. And what if in trying to fix everything all at once we get it wrong—will Congress be rushing back to fix health care again? Because if Congress makes another historic mistake, it will not be nearly as easy to fix as repealing a boat tax.

I thank the Acting President pro tempore, and I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, we met before 7 a.m. on this Saturday morn-

ing, and I am reminded of the famous quote:

Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.

A snowstorm has struck Washington, DC. Yet 100 Members of the Senate will be called on in less than half an hour to be on the floor of the Senate to vote at this early morning hour. And for any who are hale and hearty and up watching or following this debate, the obvious question is, why? Why is the Senate in? What is it doing?

Well, we are in because the Republican Senators are filibustering the Department of Defense appropriations bill. This is the money for our troops, for our military, for their families, for their health care, for their equipment, for their paychecks. It is a bill which usually passes with a few patriotic speeches and little controversy. Yet the Republicans have held us now. This is the third day on the floor because they are filibustering the Department of Defense appropriations bill.

You might ask yourself: What is happening? Has the Republican Party turned on America's military? I do not think so. I think, in fact, they support America's military. But they are willing to use them and use their spending bill as part of their parliamentary procedure.

We know what this is all about. It is about delaying the business of the Senate and not just health care. They want to delay everything in the Senate. That is their strategy. That is what they have to offer to the American people. Not ideas, not alternatives, not solutions, but delay.

I suppose they think that is a winning way. The Senator from Tennessee just predicted in the next election the American people will rally behind this strategy of theirs of doing nothing, of failing to respond to the challenges facing America. I see it otherwise. I have this simple analysis of why I am here. The people of Illinois sent me here to try to do a good job for them and make some good judgments on the Senate floor, but basically to help improve their lives. If you do nothing, if you deny, if you filibuster, if that is all you do, you don't have much to show for it at the end of the day.

The record is pretty clear. We have been debating health care reform for more than 2 weeks, about 19 or 20 days of debate, on a 2,000-page bill. The Senator from Tennessee complains: Well, we just don't know what is in this bill. This bill has been posted on the Republican Senate Web site for more than 2 weeks. I think they know what is in it.

Do you know how many amendments they came up with to change the language of this bill in the span of 20 days? How many bright, creative Republican ideas came up to change this bill in 20 days? Four, four amendments in 20 days. The combined wisdom of the Republican Senate caucus came up with four amendments to this bill of 2,000 pages in 20 days and six different

motions to send the bill back to committee and stop talking about it.

Now the Senator tells us: We just need more time.

You have had time. You have had plenty of time. You have had time to offer your substitute. We have been waiting on the Republicans to come forward, if they think America's health care system could be improved, with their ideas. The Senator from Oklahoma, Mr. COBURN, has said he has a plan. He never offered it. I don't know if he tried to offer it, if the Republican leadership turned him down. He never offered it.

Senator GRASSLEY from Iowa said on the Senate floor: We have a plan.

Where is this secret plan? Where is the Republican plan for reforming health care? Carefully hidden, secreted away in a cloakroom? Is it under a snowdrift in a parking lot? What have you done with your plan? You don't have one. If you go to the Republican Senate Web site and look for health care reform, you will find it. You will find the Democratic bill because, frankly, they have nothing to offer.

Now comes the Senator from Tennessee and he says stop what we are doing. Let's stop right now. Our plan is to slow down, filibuster the Defense appropriations bill, and then slow down everything that comes after it in the hope that we will stop and do nothing. He argues that is good for the American people. Let me tell my colleagues what the Senator from Tennessee will risk for the American people if he has his way.

We know immediately—immediately—the doughnut hole in the Medicare prescription Part D for seniors is going to be filled across America. What it means is seniors who have a gap in insurance coverage for prescription drugs will have that filled. Eight million seniors in 2007 hit that doughnut hole because they had medical bills more expensive than what Medicare covered. We are going to fill that doughnut hole. By 2010, seniors across America, immediately, will see the benefit.

The Senator from Tennessee says: This bill will destroy Medicare. Not quite true. In fact, the Congressional Budget Office says this bill will put Medicare on sound footing. Medicare untouched will go broke in about 8 years. Medicare, because of this bill, will have another 10 years of sound financial footing—exactly the opposite of what has been stated on the floor of the Senate.

How many parents get worried because their kids are in college and they are on their family health care plan and they are about to graduate and they wonder if they are going to have health insurance. Well, in most places across America, most policies, by age 24 your dependent child is no longer covered by your family plan. Immediately, with the passage of this bill, we are going to extend coverage, providing immediate help for 13 million to

14 million young Americans no longer in college and not covered by their own employment insurance, not eligible for their parents' coverage. They are going to have coverage under this plan.

Only 6 months after the enactment of this bill, insurers will be required to permit children to stay on family policies until age 26, in the year 2010. So when the Senator from Tennessee says nothing happens until 2014 except collecting taxes, he is mistaken. That happens. It happens immediately.

Free prevention services are going to be available as well—prevention services that will help a lot of people avoid serious illness. Today, many Americans pay 20 percent of the cost of many preventive services. Millions have no access to them at all. The Senate bill will require coverage of prevention and wellness benefits. For seniors, the Senate bill is going to provide free annual wellness checkups, immediately.

There is insurance reform as well. The Senator from Tennessee keeps overlooking this, and he shouldn't. One of the biggest ripoffs for American consumers are health insurance companies that turn you down because of pre-existing conditions and a variety of other reasons they find not to cover you. This Senate bill will give Americans the opportunity to focus on healthy living, will put patients first. It will eliminate abuses by insurance companies. It immediately bans rescissions, the practice where health insurance companies cancel your policy. Six months after enactment in 2010, insurers are prohibited from imposing lifetime limits on benefits. These are immediate benefits.

We know what the Republican playbook is because they gave it to us—maybe not intentionally. But early on, 8 months ago, the Republican strategist Frank Luntz sent out a memo before the bill was even written and said: Here is how we can defeat health care reform. That suggests to me there was never a good-faith effort at the top in the Republican Party to even consider health care reform. Frank Luntz went through all the things to defeat health care reform even before the bill was introduced, talking about rationing and denial and talking about government programs and so forth and so on—buzz words. Then, the current inspiration of the Republican National Party, Michael Steele, the Republican National Committee chairman, a man I am sure the Senator from Tennessee holds in the highest esteem, recently shared with us the following in a memo. Chairman Steele wrote:

I urge everyone to spend every bit of capital and energy you have to stop this health care reform. The Democrats have accused us of trying to delay, stall, slow down, and stop this bill. They are right.

Chairman Steele says, his words: "Delay, stall, slow down, and stop." And for 8 months that has been the Republican strategy.

Unfortunately, that strategy now applies to the Department of Defense ap-

propriations bill which we will vote on this morning. One hundred Senators will trek through the snow and come in early this morning to vote on a bill which we should all support unanimously. They will try parliamentary efforts to stop the bill, derail the bill, even though the continuing resolution expired last night.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I hope we can gather enough bipartisan support for our troops this morning, have a cup of coffee, and go home to our families soon to celebrate the holiday season.

I reserve the remainder of my time and yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that 5 of the 10 minutes I have been reserved for the Senator from Illinois.

Mr. President, I withdraw that request.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I will be using some of the leader's time, and if the leader decides to step in, all he has to do is signal.

I wish to, first of all, say how much I appreciate the leader, Senator MCCONNELL, the Republican leader for the heroic efforts he has made in the last few weeks to try to assure that the American people know what is in the bill that will be put before us very soon. Now, I say put before us very soon because we don't know what the substitute bill is that has been worked on for the last few days. We haven't seen it yet. I think that brings up an important point.

I am hoping the distinguished majority leader, who is also on the floor, will allow America, as well as Senators certainly, to see the managers' amendment which includes all of the changes in the bill that is before us before we are forced to vote on this monumental piece of legislation.

When I am talking to my constituents back home, my friends, the people who just come up to me on an airplane, they say: What are you doing? Why is this being rushed through when it is one-sixth of our economy, when it is quality of life for every American, when we are talking about jobs in the private sector that will be sacrificed for a big government takeover, more government jobs, fewer private sector jobs. People are saying: What are you doing?

When I was talking about the taxes that are going to take effect in 2 weeks, before the bill takes effect 4 years from now, people were surprised. Even very informed people who read all the major newspapers, they said: What? The taxes are going to take effect 4 years before the bill takes effect? I mean, what are you all doing? Has Congress ever done that before?

I couldn't remember a time when Congress would pass taxes for 4 years, purporting to put together a new pro-

gram, and then all of a sudden, after 4 years, the program would start but the taxes have accumulated, and it is going to be \$75 billion that will have accumulated before any implementation of the bill that is before us.

So I have heard the criticism on the floor that Republicans are trying to slow this down, that they are trying to stop this bill. It is very important that this health care bill be slowed down so that not only the Senate but the people of America can look at this and determine how it affects them personally, so they can look at what the proposed options are going to be. They can look at the taxes. They can look at the mandates. They can look at the small business requirements that could actually cost jobs.

Now, one might say: Well, if it costs a few jobs, maybe there is a greater good. We are in the toughest recession we have been in since the 1940s, since World War II. We are in the toughest recession we have been in, and here we are maybe stopping job increases or maybe adding to the unemployment figures which are the highest in 40 years in our country.

So I know the American people are saying: Why? Why push this through? Why push it through so fast when we are talking about maybe losing jobs in an economic downturn, when people are already hurting. Even the people who are employed are afraid that maybe they are going to be laid off because times seem to be getting tougher out there. We hear that the buying season, the Christmas season, is not going as well as retailers have come to expect to try to make their yearly requirements to make their profits.

What does that mean? If we do not make those profits, then people are not buying and people are not going to be hired and maybe people are going to be laid off.

I do not think this is the time to be talking about losing jobs, something that is going to increase the burden and the mandate and the taxes on our business.

Mr. AKAKA. Mr. President, I strongly support the Defense appropriations conference report for 2010, H.R. 3326. This bill provides funding for our troops in Afghanistan, Iraq, and elsewhere. I thank the chairman and ranking member of the Senate Appropriations Committee, Senators INOUE and COCHRAN, as well as other committee members, for their efforts to develop this vital legislation.

This bill keeps our commitments to our troops and military families. The bill provides a 3.4-percent military pay raise, \$29.2 billion for the Defense Health Program, including \$120 million for traumatic brain injury and psychological health research. The measure also includes \$472 million for family advocacy programs which include quality childcare, job training for spouses, and expanded counseling for families experiencing stress due to deployments.

In order for our military to continue to perform at its best, we must continue to provide ample funds for training and readiness accounts. This bill provides \$154 billion to increase the readiness and training of our troops. Funding is being adjusted to ensure that we are training for the conflicts of today and those in the future.

Continuing our strong support for our troops in Iraq and Afghanistan, the bill includes over \$23 billion for equipment to be used in the region. This includes \$6.3 billion to complete procurement of over 6,600 Mine Resistant Ambush Protected, MRAP, all-terrain vehicles to protect our troops; \$1.1 billion for High Mobility Multi-Purpose Wheeled Vehicles, HMMWVs; and \$950 million for the National Guard and Reserve equipment accounts.

I am also pleased that this bill includes just under \$200 million for defense projects in the State of Hawaii including many of the projects which I requested. This includes a standoff improvised explosive device, IED, detection program, a virtual combat training program, and an anti-corrosion effort to extend the life of weapons systems. These are examples of programs in which innovators in Hawaii produce systems and products which will enhance military capabilities.

In addition to doing right by our troops, this bill also includes measures that will help other segments of our country.

Small business represents a vital part of our economy, but many small business owners are having difficulties securing loans in today's economic climate. This bill includes a measure which will allow the Small Business Administration, SBA, to extend enhancements to its loan guarantee program which will free up capital by making loans more attractive.

The bill also includes an extension of unemployment insurance benefits. As many of our citizens continue to navigate a difficult labor market, it is vital that we continue to provide benefits for the unemployed.

In addition, this bill includes an extension for COBRA subsidies. It extends from 9 to 15 months the 65-percent COBRA health insurance subsidy for individuals who have lost their jobs. This vital program will help those who have lost jobs keep their health insurance.

These are just some of the projects and programs this important bill will fund for the 2010 fiscal year. I appreciate the hard work of Chairman INOUE, Ranking Member COCHRAN, and the rest of the Appropriations Committee for bringing this conference report before us, and I urge my colleagues to support it.

Mr. FEINGOLD. Mr. President, I strongly oppose this fiscally irresponsible and misguided bill. While the bill includes many good provisions, it will also fund a massive troop surge in Afghanistan that will overburden our troops and will likely hurt, not help,

our efforts to eliminate the global threat posed by al-Qaida and its affiliates. And it is stuffed with earmarks and wasteful spending, such as \$2.5 billion for 10 C-17s that the Defense Department does not want and \$130 million for a Presidential helicopter program that has been cancelled.

While I will vote against the Defense appropriations bill, I am not going to be part of a partisan and cynical effort to delay passage of the Defense bill in order to block the Senate from considering health care reform. That is why I voted to end debate on the Defense appropriations bill, so the Senate could conduct a final vote on that bill and return to debating and voting on health care reform legislation.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Mrs. HUTCHISON. I hope we can have a bill that will be bipartisan that we can all support.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my understanding is there is 5 minutes remaining.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. Mr. President, I direct this question to my distinguished colleague, Senator MCCONNELL, who is on the floor. Is my distinguished friend going to use any of his leader time this morning?

Mr. MCCONNELL. No.

Mr. REID. To my friend from Texas, whom I care about a great deal—she is a member of the Appropriations Committee. I am disappointed she spent all morning not talking about the bill before us; namely, the bill that is going to fund our troops. That is why she is here. It is just after 7 in the morning in Washington. It is just after 4 a.m. in Nevada. Those watching around the United States may be wondering why we are voting at this rare hour, early on a Saturday morning, in what is shaping up to be the worst snowstorm in Washington's history.

The reason is very simple. We have work to do. We are going to support the troops, to make sure they have all the resources they need. I am confident my Republican colleagues will join with us in that regard.

I also say to my friend from Texas and others, it is as if they are in some other universe. First of all, we offered a unanimous consent request as soon as these proceedings started dealing with health care. I said:

I ask unanimous consent that no amendment be in order to the Reid substitute amendment . . . unless the text . . . of the amendment is posted on the home page of the official Senate Web site of the Member of the Senate who is sponsoring the amendment prior to the amendment being called up for consideration by the Senate and the amendment is filed at the desk. Further, that this unanimous consent request be in effect for the duration of the consideration of [this bill].

That is pretty direct. Offer an amendment and people should be able

to see it. Guess what. The Republicans objected to that. Here is exactly what the senior Senator from Wyoming said:

In light of some of the trust problems and transparency problems we have, while this appears to lead to greater transparency . . . I object.

Something that creates transparency, they object because it does not create transparency.

Let me just say, we are going to finish this Defense bill. We are going to move on, at the appropriate time, and vote on the so-called managers' package, which will save lives—along with the other bill that is now before the Senate on health care—save money, and save Medicare. There are immediate deliverables.

I don't know what in the world the Senator from Texas was talking about. Something that is picked up on talk radio? I don't know. But it is not anything that deals with reality. We are going to do away with preexisting disabilities. The letters we receive from around the country, what insurance companies do is incredible. We will insure 31 million new people—pretty good, 31 million. Thousands of primary care physicians will be created and thousands of community health centers, which we should have been doing a long time ago.

I can remember, as a new Senator, that seat right there in the back of the Chamber was held by the famous Pat Moynihan. We were, at that time, dealing with homelessness. That was the issue of the day. He turned around to me, a new Senator, and said: This is ridiculous. The reason there are so many homeless is because we did not do our job. When the insane asylums, the mental institutions were emptied, because we had medicine that would take care of these people in institutions, part of the deal was we would have community health centers to have them come and get their medication, have them taken care of. We didn't do that, and that is why we have so many homeless people. This bill is going to alleviate most of that.

We have something in this legislation called the CLASS Act, which will offer for the first time in the history of this country for people who are working to plan ahead in case they become disabled. It is fully paid for. CBO said, in the far future, decades and decades into the future, it is paid for. I did not use a penny of that money for the bill that is before the Senate.

Again, I say to my friends on the other side of the aisle, I am sorry this has been such a method of just saying no to everything—everything, everything. It is too bad we didn't have a little more help. We received none. We hope they will join with us, the minority, as did the Republicans in the House of Representatives, and support the troops, 395 to 34. Out of 435 Members, only 34 voted against that bill. Democrats and Republicans—overwhelming majorities—over 90 percent of Democrats and Republicans in that

House supported that bill. That is what we need to do in a show of good faith for the men and women fighting around the world.

For example, in Afghanistan, I read the morning news from Nevada. The Nevada National Guard, in the mountains of Afghanistan, had a vicious fire-fight lasting more than a day, chasing these evil people through villages. Many of them were killed. One Nevadan was wounded. That is what this legislation before this body is about.

I hope we can do what needs to be done.

Mr. President, I move to table the motion to concur in the House amendment to the Senate amendment with amendments, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire, Mr. GREGG.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 382 Leg.]

#### YEAS—63

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

#### NAYS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Wicker
DeMint	Lugar	

#### NOT VOTING—2

Gregg Lieberman

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the pending motion to concur to the House

amendment would cause an aggregate level of outlays for fiscal year 2010, as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded.

Therefore, I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of the Budget Act for purposes of the pending motion, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire, Mr. GREGG.

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 383 Leg.]

#### YEAS—63

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

#### NAYS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Wicker
DeMint	Lugar	

#### NOT VOTING—2

Gregg Lieberman

The PRESIDING OFFICER (Mrs. MCCASKILL). On this vote the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire, Mr. GREGG.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 384 Leg.]

#### YEAS—88

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Hagan	Pryor
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Rockefeller
Brownback	Isakson	Sanders
Bunning	Johnson	Schumer
Burris	Kaufman	Shaheen
Byrd	Kerry	Shelby
Cantwell	Kirk	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Landrieu	Udall (CO)
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Vitter
Conrad	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lincoln	Webb
Crapo	Lugar	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

#### NAYS—10

Barrasso	Enzi	Sessions
Burr	Feingold	Thune
Coburn	Johanns	
DeMint	McCain	

#### NOT VOTING—2

Gregg Lieberman

The motion was agreed to.

#### VOTE EXPLANATION

Mr. LIEBERMAN. Madam President, I regret that I was unable to be present to vote for the final passage of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010, but had I been present, I would have supported it.

This Act will provide \$636.3 billion in funding for the Department of Defense, including nearly \$125 billion in funds that will directly support the men and women fighting at the frontlines of this Nation's wars. I am honored to serve on the Senate Armed Services Committee, which drafted the law authorizing these funds, and thank my colleagues on the Senate Appropriations Committee, led by Chairman DANIEL INOUE, for their hard work guiding this bill to its final approval.

This bill will do much to both protect our service members overseas and improve their lives at home. It will provide \$6.3 billion to procure additional



mine resistant ambush protected, MRAP, vehicles and more than 6,600 MRAP all-terrain vehicles, MRAP-ATVs, which will save countless lives in Iraq and Afghanistan. For our service members and their families, it will also provide a 3.4-percent pay raise, additional funding for the Defense Health Program, and \$120 million to support research for traumatic brain injury and psychological health research.

I am particularly proud of the critical role that Connecticut plays in supporting our Nation's defense, a role that this act reaffirms. Connecticut workers are essential to building critical equipment and systems that account for nearly 15 percent of the \$104.4 billion in procurement funds provided in this bill. These include the Virginia class submarine, the Blackhawk family of utility helicopters, the engines that power the F-35 Joint Strike Fighter, the powerful radar on the Joint STARS aircraft, and even the Colt carbine that our soldiers carry at the frontlines of battle. There truly is a Connecticut worker supporting every member of the U.S. Armed Forces.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Could we have order?

The PRESIDING OFFICER. The majority leader.

Mr. REID. First of all, to the Senate: This is a good, strong message we have sent to our men and women in uniform around the world as 88 Senators voted. It was a little bit of a struggle to get here, but we got here, and I am so grateful we were able to do that.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2010

Mr. REID. Madam President, we are going to do the continuing resolution now until the 23rd. The reason for that is this Defense bill will take a little time to enroll. We want to make sure there are no gaps in having full funding for Secretary Gates.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 64, the continuing resolution received from the House and that is at the desk; that the joint resolution be read three times and passed, and a motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 64) was ordered to a third reading, was read the third time, and passed.

#### SERVICEMEMBERS HOME OWNER-SHIP TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid Amendment No. 2786, in the nature of a substitute.

AMENDMENT NO. 3276 TO AMENDMENT NO. 2786

Mr. REID. Madam President, I ask unanimous consent that the amendment be considered read.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It is my understanding that the amendment needs to be reported at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN, proposes an amendment numbered 3276 to amendment No. 2786.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, before offering the amendment, the so-called managers' amendment, I have spoken to my Republican counterpart.

I ask unanimous consent that a Democratic Senator on my side be allowed to speak for up to 9 minutes prior to my offering the amendment.

Mr. McCONNELL. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL addressed the Chair.

Mr. REID. I have not given up the floor, Madam President.

Mr. McCONNELL. Madam President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The minority leader is recognized for a parliamentary inquiry.

Mr. McCONNELL. What is the pending business?

The PRESIDING OFFICER. The amendment No. 3276 that has been presented.

Mr. McCONNELL. Is it necessary to report the last amendment?

Mr. REID. The amendment, I think, has been reported.

The PRESIDING OFFICER. The amendment has been reported.

Mr. REID. I still have the floor; is that right?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The regular order is the reading of the amendment unless consent is granted that that not occur.

Mr. REID. Madam President, first of all, it is my understanding—Madam President, I understand the amendment has to be read. This is the so-called managers' amendment that is at the desk.

I ask unanimous consent that—if the minority wants this amendment read, it is going to take a little bit of time to do that, and I understand that. But I ask unanimous consent, as I did, that Senator NELSON of Nebraska be allowed to speak for up to 9 minutes.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, it is my understanding that the Senator from Nebraska told me before coming here he had a question he wanted to ask; is that right?

Mr. NELSON of Nebraska. The Senator is correct.

Mr. McCONNELL. The regular order is the reading of the amendment, I understand.

The PRESIDING OFFICER. The regular order is the reading of the amendment.

The clerk will read the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. BURRIS). Is there objection?

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The assistant legislative clerk continued with the reading of the amendment.

Mrs. BOXER. Mr. President, I ask unanimous consent that this amendment be considered as read.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The Assistant Parliamentarian (Leigh Hildebrand) continued with the reading of the amendment.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

Mr. SESSIONS. I object.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Objection is heard. The clerk will continue.

The Assistant Secretary continued with the reading of the amendment.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER (Mr. BENNET). The majority leader is recognized.

#### CLOTURE MOTIONS

Mr. REID. Mr. President, I have three cloture motions at the desk.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 3276 to the Reid substitute amendment No. 2786, to H.R. 3590, the Service Members Home Ownership Tax Act of 2009.

Christopher J. Dodd, Richard Durbin, Max Baucus, Paul G. Kirk, Jr., Claire McCaskill, Jon Tester, Maria Cantwell, Barbara A. Mikulski, Mark Udall, Arlen Specter, Sherrod Brown, Mark